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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s): Jacobs et al.  
Appln. No.: 09/975,590  
Confirm. No.: 8686  
Filed: October 11, 2001  
Title: DATA REPLICATION PROTOCOL

PATENT APPLICATION

Art Unit: 2157  
Examiner: Ramy M. Osman

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

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*Teri Muir*

(Signature)

Teri Muir

Signature Date: January 3, 2006

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

*Enclosed with this statement are the following:*

- ✓ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ✓ Copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as required, except for those items designated by an asterisk (\*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

— If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language

translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

***This statement should be considered because:***

— **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

✓ — **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

— (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).

-- OR --

✓ (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

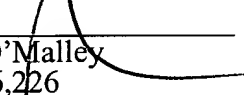
- (1) It is being filed on or before payment of the Issue Fee;  
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

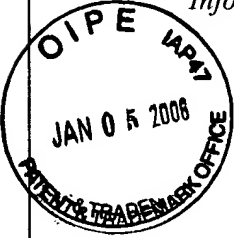
FLIESLER MEYER LLP

Date: January 3, 2006

By:   
Joseph P. O'Malley  
Reg. No. 36,226

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Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (Substitute) PATENT AND TRADEMARK OFFICE <b>Information Disclosure Statement</b> <b>BY APPLICANT</b> (Use several sheets if necessary)				Attorney Docket Number <b>BEAS-01077US2</b>		Serial/Patent Number <b>09/975,590</b>	
				Applicant/Patent Owner <b>Jacobs et al.</b>			
				Filing/Issue Date <b>October 11, 2001</b>		Group Art Unit <b>2157</b>	



U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
		5,796,934	08/18/98	Bhanot et al.	395	182.02	05/31/96
		6,134,673	10/17/00	Chrabaszcz	714	13	10/01/79
		6,526,521 B1	02/25/03	Lim	714	4	06/18/99
		6,578,160 B1	06/10/03	MacHardy, Jr. et al.	714	43	05/26/00
		6,877,111 B2	04/05/05	Sharma et al.	714	13	03/26/01

U.S. PATENT PUBLICATIONS				
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
		2002/0073354 A1	06/13/02	Schoroiff et al.
		2003/0065686 A1	04/03/03	Callahan et al.

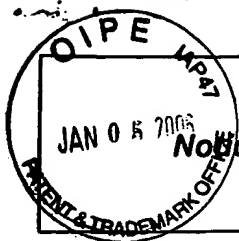
FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Translation Yes   No

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)							

<u>Examiner</u>	<u>Date Considered</u>
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\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*1 = Copy not submitted because it was submitted in prior application SN \_\_/\_\_\_\_, filed \_\_\_\_\_, 20\_\_\_\_, relied on under 35 USC §120.  
 \*2 = Copy not submitted because it was submitted in prior application SN \_\_/\_\_\_\_, filed \_\_\_\_\_, 20\_\_\_\_, relied on under 35 USC §120.



## Notice of References Cited

Application/Control No.

10/341,041

Applicant(s)/Patent Under  
Reexamination  
FUNG ET AL.

Examiner

Yolanda Wilson

Art Unit

2113

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,877,111 B2	04-2005	Sharma et al.	714/13
	B	US-2003/0065686 A1	04-2003	Callahan et al.	707/200
	C	US-5,796,934	08-1998	Bhanot et al.	714/4
	D	US-6,134,673 A	10-2000	Chrabaszcz, Michael	714/13
	E	US-2002/0073354 A1	06-2002	Schroiff et al.	714/4
	F	US-6,526,521 B1	02-2003	Lim, James B.	714/4
	G	US-6,578,160 B1	06-2003	MacHardy et al.	714/43
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

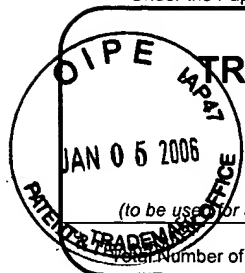
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Fliesler Meyer LLP File: <u>BEAS-01077v52</u>
	V	Action Item: <u>Suppl. Info. disc. Stmt</u> Date Due: <u>January 10, 2006</u>
	W	Critical Date: <u>January 10, 2006</u> Attorney Paid: <u>5m/500</u> Docketed By: <u>Jan</u>
	X	Verified By: <u>mm</u>

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

09/975,590

Filing Date

October 11, 2001

First Named Inventor

Jacobs et al.

Art Unit

2157

Examiner Name

Ramy M. Osman

Attorney Docket Number

BEAS-01077US2

**ENCLOSURES** (Check all that apply)☐

Fee Transmittal Form

☒

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

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Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/  
Incomplete Application☐Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a  
Provisional Application☐

Power of Attorney, Revocation

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After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☐Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify  
below):

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Copy of references cited from  
related matter**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

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Joseph P. O'Malley

Date

January 3, 2006

Reg. No.

36,226

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